

# Research Methods, Data Collection and Analysis

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The Nepal Human Rights Year Book relies on data gathered from primary sources and processed by state official or reputed public bodies. This information is collected through on-site monitoring conducted by the 77 district representatives of INSEC throughout the year. The term “this year” refers to the period from 1 January 2023, to 31 December 2023. This book does not exceed the limits of this period, except when necessary to confirm certain events. The data collected through on-site monitoring mentioned in this book has been confirmed by police, victims, accused individuals, judicial authorities, and other relevant sectors.

The data collected has been meticulously organized into 16 categories, delineated by district and state, aligning with Nepal’s adherence to various international human rights conventions. These conventions notably include the International Covenant on Civil and Political Rights 1966, the Covenant on Economic, Social and Cultural Rights 1966, the International Convention on the Elimination of All Forms of Racial Discrimination 1965, the Convention on the Elimination of All Forms of Discrimination against Women 1979, the 1989 Convention on Child Rights, and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Across these categories, a total of 47 indices have been meticulously examined, ranging from one to nine under distinct

headings. Notably, the statistics pertaining to human rights violations and abuses have been methodically presented, distinguishing between those attributed to the state party and those involving non-state entities, including armed groups, unidentified parties, political organizations, and familial affiliations. For comprehensive insights, detailed information can be accessed in Appendix 3-9 of Schedule 1.

### **Title, Definition and Scope of Indices 1/2 Disappearance/Abduction**

Abduction is an action of taking someone forcibly away or elsewhere against their will. Here, those who have been forcefully disappeared by the state are categorized under the heading of disappearance, while those who have been abducted by organized groups for political revenge, ransom, or other reasons are categorized under the heading of abduction. The Yearbook includes the details about the individuals who have been disappeared by the state and those abducted by organized groups for political revenge or other reasons.

### **3. Arrest**

“Arrest” reports incidents involving the violation of the right to freedom of peaceful assembly. The section records the number of individuals who were arrested, re-arrested, those arrested without warrants, and those who were not allowed to meet their relatives. Incidents

where the victims were not treated in accordance with the law despite the requirement for clarifying the reason for arrest are also covered under this heading.

#### **4/5 Beating/Threats**

Incidents involving physical abuse using hand, or any other weapons such as stick, gun butt, 'Khukuri'(Nepali Sharp Weapon), sickle, knife, sword, spear, and so on are categorized under the "beating." While, incidents involving people intimidating someone to arrest, kill, beat, or make them disappear if they do not comply with certain orders or take specific actions are categorized under threats. Such incidents that have been reported written or verbally to government agencies and human rights organizations are also covered under this title. However, personal beating incidents are not included here.

#### **6. Injured**

Incidents that lead to physical injuries involve individuals sustaining harm or injuries as a result of a specific situation. People are injured due to bomb blasts, firing, clashes, beatings etc. During the documentation of such incidents, district representatives have reached out to the victims to gather information and details. The details of these incidents are based on primary sources.

#### **7. Child Rights**

The Convention on the Rights of the Child, 1989, defines defines individuals under the age of 18 as children and outlines measures for their protection, participation, and development. States parties to the Convention are obligated to ensure that children are not subjected to torture, arrest, or imprisonment except in accordance with the law. This principle is also enshrined in the Constitution of Nepal, which recognizes individuals under 18 years of age. A significant portion

of Nepal's population comprises children. Various forms of exploitation of children exist, and it is important to note that children are physically weaker than adults. As the development of cognitive abilities, children may find it challenging to distinguish good and bad properly. Here, incidents such as rape, sexual abuse, killing, trafficking, child labor, and corporal punishment in schools are categorized under this heading.

#### **8. Inhumane Behavior**

The constitution provides that no person should be subjected to torture or cruel, inhumane or degrading treatment or punishment and their rights should be protected and enhanced against such activities. This heading includes the incidents of human rights violations and abuses on individuals by other parties.

#### **9. Right to Freedom to Assemble Peacefully and without Arms**

Incidents where the state has prohibited peaceful gatherings, protests, and assemblies without the use of arms have been documented under this heading. Similarly, incidents of disrupting peaceful protests by armed or unarmed non-state parties are also included in the documentation. Incidents involving the use of excessive force, including tear gas firing, air fire firing, baton charge, etc., during protests are included under this title. The documentation also covers cases where any group or person obstructed the election campaigning and voting process. Additionally, it addresses instances where individuals were arrested, even briefly, for participating in peaceful protests. The documentation also specifies whether individuals arrested in such incidents were issued arrest warrants and whether they were taken to the court or the relevant agency within 24 hours, apart from time limit.

## 10. Torture

The Torture Compensation Act, 2017 stipulates that no person in custody shall be tortured in connection with investigation or in any other way and if someone has been tortured, the victim may file a complaint for compensation in the District Court of the detention within 35 days of release. Electrocution, stabbing with pins, immersion in water, beating, sexual abuse, not allowing to sleep, not allowing to eat or drink for 48 hours are common forms of torture in Nepal. When documenting details under this category, information such as the name, position, and office affiliation of the individual responsible for torture, the name of the head of the relevant office, and the specific type of torture inflicted on the victim will be disclosed.

## 11. Death in Detention

In general, prison means a place where antisocial people are separated from the outside world for some time. Prisoners are individuals sent to prison by courts or other judicial bodies. There are two types of people sent in this manner: prisoners and detainees. A person serving a sentence is referred to as a prisoner, while individuals awaiting trials are detainees. If it appears from the court that the accused cannot be released on bail immediately, there is a provision that he can be kept in custody pending investigation. The management of Nepal's prisons faces a significant challenge as they often accommodate more prisoners than their capacity allows. Incidents of deaths in prison resulting from chronic and common diseases have been documented. Information about such incidents is obtained from the prison office, and further confirmation is sought through the assistance of hospitals. The facts and statistics of incidents that occur in prisons and custody are included in the category of incidents on "By State".

## 12. Death in Custody

The Constitution of Nepal has expressed its commitment to uphold civil liberties, fundamental rights and the rule of law, and has guaranteed citizens the right to freedom, the right to justice and the right against torture. The constitution stipulates that no person shall be deprived of personal freedom except in accordance with the law. Individuals shall not be detained without being informed of the reasons for their arrest. The arrested person has the right to seek counsel from a legal practitioner of their choice from the moment of arrest, and the right to be interrogated with the presence of a legal practitioner. The consultations and advice provided during such interactions are confidential. Fundamental rights emphasize that individuals in prison must not be subjected to physical or mental torture, and they should not be treated inhumanely and cruelly. These provisions uphold the principles of justice, protecting the dignity and rights of individuals in legal processes. However, despite the legal system, there are cases of death in Nepal's custody. While recording such incidents, the victim's side, postmortem report, police officer's statements have been considered as the basis.

## 13. Women Rights

Despite numerous efforts by governmental and non-governmental organizations to reduce the incidence of violence against women, there has been no significant decrease in such incidents in Nepal. This includes cases of domestic violence and rape. Furthermore, harassment of women based on allegations of witchcraft has persisted, and hundreds of women who are victims of domestic violence have filed complaints at the Women and Children and Senior Citizens Service Center of Nepal Police. Incidents such as domestic violence against women, killings due to dowry, accusations of alleged

witchcraft, rape, attempted rape, and trafficking are common practices. The victim or the victim's family is contacted while documenting such incidents. Additionally, on-site monitoring is conducted to collect additional information from the police office and the court regarding the legal process related to the incident.

#### **14. Caste-based Discrimination**

It has been more than six decades since the legal declaration to end untouchability in Nepal. Caste Discrimination and Untouchability (Crimes and Punishments) Act-2011 is in force, defining untouchability as a punishable criminal offense. The Constitution of Nepal, 2015 has strengthened the guarantee against untouchability. However, its effective implementation has been lacking. The statistics related to caste untouchability in the Nepal Human Rights Yearbook were collected by INSEC representatives, and the support of the relevant police office and judicial body has been sought for confirmation and reconfirmation.

#### **15. Economic, Social, and Cultural Rights**

Economic, social and cultural rights include important elements of human life such as dignity, freedom including health, education, food, water, sanitation, housing, social security, clean environment and cultural elements. These rights are acknowledged as human rights under the International Covenant on Economic and Social Rights. The statistics and details related to economic, social, and cultural rights are derived from primary sources. Information regarding incidents, such as displacement and structural or property damage, is collected from the District Police Office and is included under the heading of economic, social, and cultural rights.

#### **16. Killing**

The section on "The Right to Life" addresses various scenarios where this fundamental right is violated. It encompasses cases of killings by state entities, including agencies, representatives, and opposition groups with comparable power to the state, as well as armed groups mentioned in international conventions like the Hague Convention. Killings within families and by acquaintances are categorized as family killings.

Given the state's duty to protect its citizens, the yearbook also includes statistics on killings where state protection was lacking. Additionally, attacks, assaults, or killings targeting public figures, human rights defenders, or events of public concern from a human rights perspective are covered in this section.

The most fundamental human right is the right to life.

Not all incidents of killing are automatically included as human rights violations. The rights of the victims are considered protected when state agencies take legal action without discrimination. Incidents of that nature are excluded from the statistics of human rights violations. However, according to Article 2(3) of the United Nations Covenant on Civil and Political Rights, the violation of the right to life and the absence of an effective solution against the violation of other freedoms of the victim of any crime are considered violations of human rights. The denial of any person's right to justice as determined by a competent judicial, administrative, or managerial authority, or any other competent authority provided by the legal system of the nation, is considered a violation of human rights. In this context, the right against any kind of discrimination on the basis of race, caste, language, religion, political or other ideology, national or social origin, birth, or economic status of a person, guaranteed

in the same article of the Convention on Civil and Political Rights, has been examined.

The definition of human rights violation has been formulated based on economic and social conditions, as well as the geographic and political accessibility of the victims, which may impact the rights of crime victims guaranteed by Article 21 of the Constitution of Nepal. Ensuring human rights protection requires closely monitoring cases in accordance with the Convention on Civil and Political Rights. It highlights the need for a clear and ensured criminal judicial process that guarantees prompt and fair trials. Until such legal procedures are in place, the certainty of safeguarding human rights remains uncertain. When choosing incidents gathered from nationwide monitoring, the right of the crime victim to receive information about the investigation and actions related to the case, as guaranteed by Article 21(1) of the Constitution of Nepal, is considered as the basis.

The Constitution of Nepal also guarantees the right of crime victims to receive justice, including social rehabilitation and compensation, as stipulated in Article 21(2). This provision serves as another important cornerstone for ensuring human rights.

To address the most pressing human rights issues in the district, it has been decided to highlight these concerns to stakeholders.

### **Sources of Data**

Individual killings are typically included in statistics without detailed information. However, incidents where women, children, or senior citizens are killed by family members are documented, along with the circumstances surrounding the incident.

Cases sent to prison for preliminary investigation indicate ongoing legal proceedings. Similarly, individuals released on a specific date or on bail imply

that the case is still pending. Descriptions of case situations from the district court do not negate the defendant's judicial right to appeal.

Statistics pertaining to the right of expression, assembly, and association only include victims arrested on-site or those who suffered minor injuries.

Information received from judicial and semi-judicial bodies, media reports, eyewitnesses, etc., is included only after verification. Unconfirmed details or information known to INSEC but not verified are excluded.

As of the end of this year, the number of prison inmates and prisoners has not been provided.

Statistics related to education, health, courts, and prisoners are sourced from the pertinent district offices. Data on domestic violence is obtained from the Women, Children, and Senior Citizens Service Center of the District Police Office. The preparation of articles on economic, social, and cultural rights, as well as the judiciary, executive, and legislative branches, incorporates insights from group discussions, person-centered interviews, and materials published in various media outlets.

The data in this book is derived from a range of credible sources, including reports from the National Statistics Office, discussions with local judicial, quasi-judicial, administrative, communication, and security agencies, as well as reports and releases such as the Nepal Human Rights Year Books from 1992 to 2023. Additionally, education statistics and data from the District Coordination Unit and District Health Office were utilized, alongside prison statistics provided by the respective prison administration. The district map was obtained from the Ministry of Federal Affairs and Local Development.

To provide a comprehensive understanding of incidents, this book includes

qualitative data alongside quantitative data. Qualitative data, obtained through methods like interviews and discussions with experts and stakeholders, enriches the information presented, ensuring reliability and depth in the analysis.

### **Data Analysis**

The analysis and presentation of data in this book are guided by Nepal's constitution, legislation, international human rights conventions, civil society campaigns, and government policies. Both quantitative and qualitative data are presented in a descriptive style to illustrate the human rights situation across Nepal's seven provinces and 77 districts throughout the year. Quantitative data are visualized through tables and figures.

Additionally, the assessment of civil and political rights, as well as economic, social, and cultural rights, considers the government's obligations to respect, protect, promote, and fulfill these rights. To compare human rights violations across provinces, the book introduces the Human Rights Violation Index, based on data collected during the current year. Details regarding the methodology and procedures for the index are provided in the relevant section.

### **Research Ethics**

The principles of research ethics, including informed consent, voluntary participation, respect, confidentiality, and copyright, were rigorously followed throughout the entire process of data collection, processing, and publication. Informed consent was obtained by providing comprehensive information to representatives of concerned individuals and agencies regarding the purpose of data collection. Special care was taken to ensure that no individual's self-esteem was compromised during information gathering, and prior approval was sought for meetings or correspondence. Moreover, names

and addresses of children and women affected by sensitive incidents such as rape, sexual abuse, attempted rape, and domestic violence were intentionally omitted from the report to safeguard their confidentiality. Even when distributing details, precautions were taken to prevent the identification of victims. Additionally, in accordance with the American Psychological Association- Publication Manual of the American Psychological Association (2020), all reference materials cited in the report were meticulously presented.

### **Limitations**

In this book, the incidents of human rights violations that happened in all parts of Nepal this year are covered. However, the data of previous years are also presented for comparative study. Only cases of human rights violations that came to the knowledge of the INSEC representative and were confirmed are included in this report. Because of the tendency of the victimized parties to not want to publicize the cases of human rights violations that have taken place inside their homes and to disturb the social respect, or even to register a case with the relevant agency, the representatives of INSEC are unable to get full information about such cases. However, there is a tendency to register or publicize cases against the victims of serious nature despite various obstacles. Therefore, the statistics presented in this book represent to a large extent the cases of human rights violations and excesses of a serious nature. While collecting and processing the data presented in this book, it is believed that the trend of publicizing the incidents of human rights violations and excesses among citizens and the access of INSEC to those incidents is the same throughout the country. Since the statistics on human rights violations presented in this book are mostly statistics on physical harassment, only the statistics on physical harassment have been

included in the creation of the Human Rights Violation Index. Also, the collected regional statistics have not been adjusted by the size of the total regional population. If the collected regional statistics are adjusted by the size of the regional total population and a comparative study is done, the regional situation may be different.

In health institutions, schools, courts, etc., emphasis is placed on vacancies rather than those who are employed according to their posts, because such a situation directly creates obstacles in the realization of human rights. Scholarships

provided by the state to the marginalized Dalit community and study environments for the disabled have been given a special place, so that both the service receivers and the providers can go together in this matter. Due to the local dialect, language and rhythm etc., there may have been some differences in the names of some people and places. If we find such information, we will correct it in the original record. There may be some errors in the names of the local levels mentioned in the book. There will be suggestions from knowledgeable readers about the wrong names.

